



Deak

PATENT

Customer No. 22,852

Attorney Docket No. 7552.0025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Claudio TONELLI et al.

Application No.: 10/775,993

Filed: February 9, 2004

For: SUPPORT ELEMENT FOR AN
INTEGRATED BLOOD
TREATMENT MODULE,
INTEGRATED BLOOD
TREATMENT MODULE AND
EXTRACORPOREAL BLOOD
TREATMENT APPARATUS
EQUIPPED WITH SAID
INTEGRATED MODULE

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) Group Art Unit: 3761

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) Examiner: Leslie R. Deak

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) Confirmation No.: 1291

12/26/2006 HMARZ11 00000012 10/775993

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("Assignee") Gambro Lundia AB, duly organized under the laws of Sweden and having its principal place of business at Magistratsvagen 16, 22643 Lund, Sweden, through its attorneys, represents that it is the only assignee of the entire right, title, and interest in and to the above-identified application, U.S. Patent Application No. 10/775,993 (the '993 Application) for SUPPORT ELEMENT FOR AN INTEGRATED BLOOD TREATMENT MODULE, INTEGRATED BLOOD TREATMENT MODULE AND EXTRACORPOREAL BLOOD TREATMENT APPARATUS EQUIPPED WITH SAID INTEGRATED MODULE, indicated by the Assignment duly recorded in the USPTO at

Reel 015734, Frame 0311 on August 27, 2004, at Reel 015738, Frame 0189 on August 27, 2004, at Reel 015734, Frame 0297 on August 27, 2004, at Reel 015734, Frame 0300 on August 27, 2004, at Reel 015738, Frame 0194 on August 27, 2004, at Reel 015738, Frame 0191 on August 27, 2004, and is the only assignee of U.S. Application No. 10/771,415 (the '415 Application), filed on February 5, 2004, for A SUPPORT ELEMENT, AN INTEGRATED MODULE FOR EXTRACORPOREAL BLOOD TREATMENT COMPRISING THE SUPPORT ELEMENT, AN APPARATUS FOR EXTRACORPOREAL BLOOD TREATMENT EQUIPPED WITH THE INTEGRATED MODULE, AND, AN ASSEMBLY PROCESS FOR AN INTEGRATED MODULE FOR EXTRACORPOREAL BLOOD TREATMENT, as indicated by Assignments duly recorded in the USPTO at Reel 015544, Frame 0570 on July 8, 2004, at Reel 015544, Frame 0562 on July 8, 2004, at Reel 015544, Frame 0544 on July 8, 2004, and at Reel 015544, Frame 0534 on July 8, 2004. Assignee is also the only assignee of U.S. Application No. 10/771,536 (the '536 Application) for A SUPPORT ELEMENT FOR AN INTEGRATED MODULE FOR BLOOD TREATMENT, AN INTEGRATED MODULE FOR BLOOD TREATMENT, AND A MANUFACTURING PROCESS FOR AN INTEGRATED MODULE FOR BLOOD TREATMENT, as indicated by Assignments duly recorded in the USPTO at Reel 015544, Frame 0565 on July 8, 2004 and at Reel 015544, Frame 0573 on July 8, 2004.

To obviate a double patenting rejection, Applicant hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the '993 Application, which would extend beyond the earliest of the expiration dates of the '536 and '415 Applications, should those applications issue as U.S. patents, and hereby

agrees that any patent so granted on the '993 Application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal titles to the patents that issue based on the '536 and '415 Applications. This agreement runs with any patent granted on the '993 Application and is to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the '993 Application that would extend beyond the earliest of the expiration dates of the full statutory term, as defined in 35 U.S.C. §§ 154-156 and 173, of the patents that may issue based on the '536 and '415 Applications, as shortened by any terminal disclaimer, in the event that any of the patents that may issue based on the '536 and '415 Applications expires for failure to pay maintenance fees, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by an terminal disclaimer.


In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this Terminal Disclaimer. If there is any other fee due in connection with the filing of this Terminal Disclaimer, please charge the fee to our Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 22, 2006

By: 
Aaron L. Parker
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